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EXAMINER

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1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
6

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8 *Ex parte* RAYMOND V. CALVESIO, MICHAEL J. GLAVAN,
9 VIRGIL V. POLINSKE, and JOHN A. OLSON
10

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12 Appeal 2009-003660
13 Application 10/642,892
14 Technology Center 3600
15

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17 Decided: January 29, 2010
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21 *Before* MURRIEL E. CRAWFORD, JOSEPH A. FISCHETTI, and BIBHU
22 R. MOHANTY, *Administrative Patent Judges*.

23
24 CRAWFORD, *Administrative Patent Judge*.
25

26
27 DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 (2002) from a final rejection of claims 1-32. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

Appellants invented systems and methods for processing passengers that are intending to cross international borders (Spec. 2:2-4).

Claim 1 under appeal is further illustrative of the claimed invention as follows:

1. A method of using a data processing system for processing travelers crossing international borders, comprising:
 - a) prior to the time of travel, allowing an authorized enrollment representative to employ the data processing system to enroll a traveler to utilize an automated check-in process after the authorized enrollment representative verifies that the traveler is eligible to make an international border crossing; and
 - b) at the time of travel, utilizing the automated check-in process to enable crossing of the international border, which may then be completed without aid of human intervention.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Sehr	US 6,085,976	Jul. 11, 2000
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The Examiner rejected claims 1-32 under 35 U.S.C. § 102(b) as being anticipated by Sehr.

We AFFIRM.

ISSUES

Did the Appellants show the Examiner erred in asserting that a passport agency issuing a passport to a traveler in Sehr corresponds to prior to time of travel, an authorized enrollment representative verifies that the

1 traveler is eligible to make an international border crossing, as recited in
2 independent claim 1?

3 Did the Appellants show the Examiner erred in asserting that a
4 passport agency certifying and authorizing downloading of passport
5 information to a traveler's computerized card of Sehr corresponds to prior to
6 time of travel, an authorized enrollment representative enrolls a traveler to
7 utilize an automated check-in process, as recited in independent claim 1?

8 Did the Appellants show the Examiner erred in asserting that the
9 automated check-in and boarding pass issuance processes of Sehr
10 correspond to utilizing an automated check-in process to enable crossing of
11 an international border without aid of human intervention, as recited in
12 independent claim 1?

13
14 FINDINGS OF FACT

15 *Specification*

16 Appellants invented systems and methods for processing passengers
17 that are intending to cross international borders (Spec. 2:2-4).

18
19 *Sehr*

20 Sehr discloses a travel system and methods which utilize
21 computerized cards for the automated use of a traveler's permit and of other
22 travel-related documents, purchase of goods and services, and the rendering
23 of other traveling services (col. 2, ll. 63-67).

24 The automated travel system and methods include storing
25 transportation rights, service entitlements, and cardholder considerations into
26 the passenger card; presenting the card for passage through passenger

1 stations and admission to transportation means; and communicating card
2 data and related information between and among the system entities (col. 3,
3 ll. 57-67).

4 A major feature of the system is that these remote distributed
5 databases, including the passenger card, always contain the same set of data
6 that is required to qualify a passenger for travel or service eligibility (col. 5,
7 ll. 29-32).

8 The cardholder's identity can be verified at the passenger station by a
9 carrier/travel representative, including via selected information stored in the
10 passenger card. For example, when presented for international travel, the
11 card can provide the cardholder's certified picture that was previously stored
12 in the card or imprinted onto the card package. The station's control module
13 can capture the physical appearance of the passenger presenting the card and
14 compare it with the picture stored in the card *per se*. If there is a match, the
15 passenger's identity is established; otherwise, a message conveyed that the
16 comparison was not successful. In addition, authorized personnel can also
17 verify the picture imprinted onto the card, as well as the passenger's
18 demographics information stored in the card; a successful verification
19 indicates that cardholders are who they say they are. The passenger's
20 identity can also be verified via security data stored in the card and
21 information provided by the cardholder (col. 23, ll. 21-38).

22 Also stored in the card can be the card templates that are an electronic
23 representation of the documents pertaining to the cardholder, such as the
24 driver's license, car registration slip, insurance papers, and passport. These
25 documents can be requested from the appropriate authorities, such as DMV

1 office, insurance company and passport agency, and certified and
2 downloaded into the card after proper identification is provided by the
3 cardholder (col. 32, ll. 11-18).

4 As the day of departure arrives, the cardholder drives to the airport to
5 catch the reserved flight (col. 33, ll. 49-50).

6 Upon arrival at the check-in counter, the passenger hands the card to
7 the airline representative who couples the card to the system for verification
8 purposes (col. 34, ll. 12-14).

9 Because this is an international travel, the passenger's passport will be
10 verified as well. The passport will be retrieved from the passenger card and
11 viewed on the control module's display screen. The representative can
12 verify the displayed information as is, or might request additional
13 information to further verify the lawful bearer; for example, the signature of
14 the passenger to be entered via a signature pad (col. 34, ll. 23-30).

15 After successful verification, the system compiles and loads the
16 boarding pass into the card, as well as cancels the ticket portion, which is
17 related to the flight segment(s) the passenger has been qualified for (col. 34,
18 ll. 34-37).

19 The above process of checking-in, tagging the luggage, and issuing a
20 boarding pass by an airline representative can also be accomplished
21 automatically via the card's built-in computerized means, while coupling the
22 card to the passenger station-like apparatus and communicating with the
23 airliner's system database (col. 35, ll. 57-62).

24
25 PRINCIPLES OF LAW

26 *Claim Construction*

1 While the specification can be examined for proper context of a claim
2 term, limitations from the specification will not be imported into the claims.
3 *CollegeNet, Inc. v. ApplyYourself, Inc.*, 418 F.3d 1225, 1231 (Fed. Cir.
4 2005).

5 During examination of a patent application, a pending claim is given
6 the broadest reasonable construction consistent with the specification and
7 should be read in light of the specification as it would be interpreted by one
8 of ordinary skill in the art. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d
9 1359, 1364 (Fed. Cir. 2004).

11 ANALYSIS

12 *Verification of Eligibility to Cross International Border*

13 We are not persuaded of error on the part of the Examiner by
14 Appellants' argument that a passport agency issuing a passport to a traveler
15 in Sehr does not correspond to prior to time of travel, an authorized
16 enrollment representative verifies that the traveler is eligible to make an
17 international border crossing, as recited in independent claim 1 (App. Br. 14-
18 15). The Examiner asserts that passport agencies correspond to the recited
19 authorized enrollment representatives (Ex. Ans. 5-6). Appellants argue that
20 passport agencies do not perform any verification process that may
21 determine whether the traveler is eligible to make any particular
22 international border crossing because, for example, visas necessary to cross
23 a particular international border are not taken into account. However, this
24 "particular" aspect is not set forth in the claims. *See CollegeNet, Inc.*, 418
25 F.3d at 1231. Under a broadest reasonable interpretation of "eligible," a
26 finding in Sehr that a traveler is generally eligible to make international

1 border crossings sufficiently satisfies this aspect of independent claim 1.
2 *See In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d at 1364. Verification of
3 general eligibility only requires that an entity has decided that a traveler
4 could cross an unspecified international border at a future unspecified date
5 and time, even if the traveler has no particular itinerary and may need to
6 fulfill additional specific visa requirements for certain countries. To that
7 end, a passport agency's issuance of a passport to a traveler, as set forth in
8 Sehr, is verification that the traveler is generally eligible to cross
9 international borders (col. 5, ll. 29-32; col. 32, ll. 11-18).

10 Moreover, we agree with the Examiner that some countries only
11 require a passport for entry. Accordingly, the issuance of a passport to a
12 traveler is verification that the traveler is eligible to cross those particular
13 international borders.

14
15 *Automated Check-In Process*

16 We are not persuaded of error on the part of the Examiner by
17 Appellants' argument that a passport agency certifying and authorizing
18 downloading of passport information to a traveler's computerized card of
19 Sehr does not correspond to prior to time of travel, an authorized enrollment
20 representative enrolls a traveler to utilize an automated check-in process, as
21 recited in independent claim 1 (App. Br. 17-19). Appellants assert that a
22 passport official does not enroll a traveler to use any particular check-in
23 process for a particular itinerary. However, such an aspect is also not set
24 forth in the claims. *See CollegeNet, Inc.*, 418 F.3d at 1231. A broadest
25 reasonable interpretation of "enrolls a traveler to utilize an automated check-
26 in process" only requires that a traveler can use any automated check-in

1 process for an unspecified itinerary. *See In re Am. Acad. of Sci. Tech. Ctr.*,
2 367 F.3d at 1364. Sehr discloses that a passport agency certifies and
3 authorizes downloading of passport information to a traveler's computerized
4 card (col. 32, ll. 11-18). Sehr also discloses that this computerized card can
5 be used in automated check-in processes (col. 2, ll. 63-67; col. 3, ll. 57-67;
6 col. 35, ll. 57-62). Accordingly, Sehr meets the aforementioned claim
7 aspects.

8
9 *Without Human Intervention*

10 We are not persuaded of error on the part of the Examiner by
11 Appellants' argument that the automated check-in and boarding pass
12 issuance processes of Sehr does not correspond to utilizing an automated-
13 check-in process to enable crossing of an international border without aid of
14 human intervention, as recited in independent claim 1 (App. Br. 19-25).
15 Appellants assert that the automation of processes in column 35, lines 57-62
16 of Sehr only apply to "checking-in, tagging the luggage, and issuing a
17 boarding pass," and that verification of a traveler's eligibility to cross
18 international borders is not included. However, independent claim 1 recites
19 an "automated check-in process," which is one of the items clearly listed by
20 the aforementioned portion of Sehr. Additionally, absent additional
21 guidance in the claims as to what exactly enables a traveler to cross an
22 international border, both automated check-in and automated issuance of a
23 boarding pass are processes that facilitate enabling a traveler to cross an
24 international border. *See In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d at
25 1364.

Moreover, verifying a traveler's eligibility to cross international borders is a part of at least the check-in and boarding pass issuing processes set forth in Sehr (col. 33, ll. 49-50; col. 34, ll. 12-14; col. 34, ll. 23-30; col. 34, ll. 34-37). While Appellants may be referring to a more specific definition of verification, such aspects are not set forth in the claims. *See CollegeNet, Inc.*, 418 F.3d at 1231.

Furthermore, Sehr discloses automated identity verification when "[t]he station's control module . . . capture[s] the physical appearance of the passenger presenting the card and compare[s] it with the picture stored in the card per se" (col. 23, ll. 21-38).

Claims 2-32

Appellants assert that independent claims 23 and 31 include aspects similar to independent claim 1, and thus are allowable for the same reasons (App. Br. 26-27). As we sustain the rejection of independent claim 1, we also sustain the rejections of independent claims 23 and 31.

Appellants assert that dependent claims 2-22, 24-30 and 32 are allowable due to their dependence from respective allowable independent claims 1, 23, and 31 (App. Br. 27). As we sustain the rejections of independent claims 1, 23, and 31, we also sustain the rejections of dependent claims 2-22, 24-30, and 32.

CONCLUSION OF LAW

On the record before us, Appellants have not shown that the Examiner erred in rejecting claims 1-32.

1 DECISION

2 The decision of the Examiner to reject claims 1-32 is affirmed.

3 No time period for taking any subsequent action in connection with
4 this appeal may be extended under 37 C.F.R. § 1.136(a) (2007).

5

6 AFFIRMED

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19 UNISYS CORPORATION

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21 Mail Station E8-114

22 Blue Bell, PA 19424